

Frank Lopez, Sui Juris
3451 Nightflower Lane "C"
Las Vegas, Nevada 89121-3789
In Propria Persona
All Rights Reserved without prejudice

CV-S-04-1129-RCJ-RJJ

DISTRICT COURT OF THE UNITED STATES
JUDICIAL DISTRICT OF NEVADA

Frank Lopez,)	
)	
Plaintiff,)	COMPLAINT FOR DECLARATORY
)	
)	AND INJUNCTIVE RELIEF:
v.)	
)	5 U.S.C. 552 (a) (4) (B)
United States,)	
)	28 U.S.C. 1361, 1746 (1);
Social Security Administration,)	
)	First Amendment,
JoAnne B. Barnhart,)	
)	Petition Clause;
Commissioner,)	
)	Fifth Amendment,
Respondent.)	
)	Due Process Clause.

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RECEIVED
U.S. DISTRICT COURT
JUDICIAL DISTRICT OF NEVADA
LAS VEGAS, NEVADA

COMES NOW Frank Lopez, Sui Juris, Citizen of Nevada state, and Plaintiff in the above entitled matter (hereinafter "Plaintiff), to petition this honorable District Court of the United States (hereinafter "DCUS") for certain declaratory and injunctive relief, specifically to order Respondent to produce certain documents for inspection, certification, and copying; and to provide Notice of same to all interested party(s).

1. This is an action which arises under a law of the United States, the Freedom of Information Act (hereinafter "FOIA"), and all the lawful regulations which have been promulgated thereunder. See Supremacy Clause, 5 U.S.C. 552 et seq.

2. This DCUS has original jurisdiction over this action, pursuant to 5 U.S.C. 552

(a)(4) (B); 28 U.S.C. 1361 (Action to compel an officer of the United States to perform his duty); First Amendment petition clause and Fifth Amendment due process clause in the Constitution for the United States of America, as lawfully amended (hereinafter U.S. Constitution).

3. Plaintiff is a Citizen of Nevada state.

4. Respondents presently embrace the United States (federal government), domiciled in Baltimore, Maryland and acting in its municipal capacity as Social Security Administration, Commissioner Jo Anne B. Barnhart.

5. Plaintiff requested access to certain document(s) by submission of a proper and timely FOIA request for the document(s) in original FOIA request, which FOIA request has been filed in the instant case, and is now identified as Plaintiff's Exhibit A in the instant action.

6. Plaintiff has timely appealed said request and Respondent has failed to respond, see Exhibit B, FOIA Appeal.

7. Respondent has failed to produce the document(s) requested within the time limits prescribed by the FOIA, specifically 5 U.S.C. 552 (a) (6) (1), in whole or in part.

8. Plaintiff has now exhausted his administrative remedies and is entitled, pursuant to law, to inspect and copy the requested document(s), and/or to receive certified copies of the requested document(s) via first class United States Mail and/or be informed of the factual statement, under oath, that the document(s) requested do not exist.

9. Plaintiff is entitled, by law, to receive all applicable legal fees and costs, against Respondent.

REMEDY REQUESTED

Wherefore, all premises having been considered, Plaintiff respectfully requests that this honorable DCUS:


- (1) order Respondent to produce the requested document(s) to Plaintiff for copying and inspection;
- (2) enjoin Respondent from improperly withholding the requested document(s) or state under oath that said document(s) do not exist;
- (3) award Plaintiff His costs and disbursements in this action, as provided by 5 U.S.C. 552 (a) (4) (E);
- (4) provide for expedition of the proceedings on this complaint, as provided by 5 U.S.C. 552 (a) (4) (C) and (D);
- (5) grant such other and further relief as this Court may deem just and proper.

VERIFICATION

I, Frank Lopez, Sui Juris, hereby verify, under penalty of perjury, under the laws of the United States of America, without the "United States", that the above statements of fact are true and correct, to the best of my current, information, knowledge and belief, so help me God, pursuant to 28 U.S.C. 1746 (1).

Dated 8/13/04

Respectfully submitted,



Frank Lopez, Sui Juris
Citizen of Nevada state

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PROOF OF SERVICE

I, Frank Lopez, Sui Juris, hereby certify, under penalty of perjury, under the Laws of the United States of America, without the "United States" that I am at least eighteen (18) years of age, a citizen of one of the United States of America, and that I personally served the following document(s):

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF:

5 U.S.C. 552 (a) (4) (B)

28 U.S.C. 455, 1361, 1746 (1);

First Amendment petition clause;

Fifth Amendment due process clause;

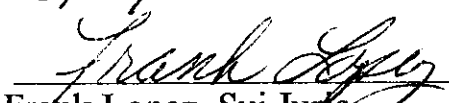
Attorney General
Department of Justice
10th & Constitution, N.W.
Washington
DISTRICT OF COLUMBIA

United States Attorney
District of Nevada
333 Las Vegas Boulevard South
Suite 5000
Las Vegas, Nevada 89101

Solicitor General
Department of Justice
10th & Constitution, N.W.
Washington
DISTRICT OF COLUMBIA

JoAnne B. Barnhart
Commissioner
Social Security Administration
6401 Security Boulevard
Baltimore, Maryland 21235

Dated: 8/13/04


Frank Lopez, Sui Juris
Citizen of Nevada state

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Freedom of Information Act Request
April 22, 2004

Commissioner Barnhart
Social Security Administration
6401 Security boulevard
Baltimore, Maryland 21235

IDENTIFICATION: Frank Lopez, Social Security #102-26-3406

PURPOSE: To obtain any and all records related to the Federal Offset Program, enacted under the Tax Payer Relief Act of 1997 (Public Law 105-34),

that is used by the Social Security Administration for garnishment of Social Security Benefits. Further, as described in Section 4080.20 of the Treasury Financial Manual, found at website(<http://www.fms.treas.gov/tfm/vol1/v1p3c400.html>), determination of names of one or more persons in the Social Security Administration designated to receive; Service of Notice of Levy from the Financial Management Service.

ENCLOSURES: Attached please find Page 11 of said Treasury Financial Manual

as a convenience for your legal counsel to expedite this FOIA request.

AUTHORITIES: 5 U.S.C. § 552 of 1974

Dear Sir:

This request for documents and records is being submitted under authorities cited above. All items fall into the category made available under the Freedom Of Information Act and this request includes and is supported by a discussion of items being requested.

Procedural Requirements, Declarations, Disclosure, etc

1. Portions of this entire request may be forwarded from your office to whatever other office has custody of the items being requested. Even

EXHIBIT A

though the records being requested are standard form documents that, if they exist, are maintained in dedicated systems of records and should be easy to locate.

2. Records being requested are adequately described to be easily located. I attest that I have a material interest in the records being requested

4. In order to positively identify myself, I am having my signature notarized by a notary public who is commissioned by the state.

5. Response may be made and records should be sent to me at the postal delivery address listed in this request.

6. You have my firm promise, that upon your billing, I will pay the Social Security Administration a sum of up to \$50.00 for photocopying and other costs for location and reproduction of the requested records.

Records Request

Records may include:

1. Agreements or Memoranda of Agreements or internal Social Security Administration delegations of authority/memoranda designating the principle name/s of the Social Security Administration officers/agents who have been designated to receive Notice of Levy from the Financial Management Service for delinquent taxes of the agency's employees as described in the Treasury Financial Manual at Section 4080.20.

2. The Payroll Deduction Agreement (IRS Form 2159) signed by the designated

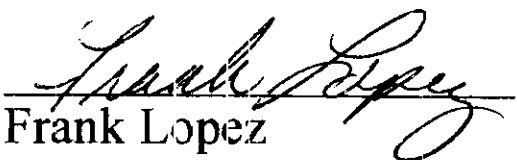
Social Security Administration official/agent that has my name, Frank Lopez, or my social security number 102-26-3406, on it.

3. If the above records do not exist please advise in writing.

Conclusion and Demand

Please comply with response requirements prescribed by law. This matter is urgent, and if possible, should receive priority treatment as my substantive rights are in peril and I have reason to believe that any alleged debt relative to Frank Lopez is being fraudulently seized under color of law.

Take notice and govern yourself according to law.



Frank Lopez

3451 Nightflower Lane "C"

Las Vegas, Nevada 89121-3789

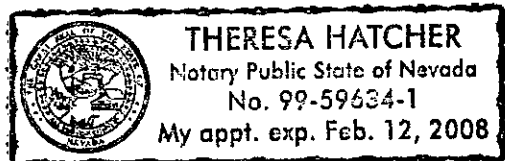
Notary Public

I certify that on the date set out below, Frank Lopez, known to me, signed this Freedom of Information request.

My commission expires Feb. 12, 2008.

Theresa Hatcher 23 April 2004 Las Vegas, Nevada
Notary Public Date

SEAL:



FREEDOM OF INFORMATION ACT Appeal

May 26, 2004

SERVICE: Certificate of Mailing

Disclosure Officer
Commissioner Barnhart
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235

IDENTIFICATION: Frank Lopez, Social Security #102-26-3406

Subject: Freedom of Information Act ("FOIA") Request Appeal.

Enclosed: Original request.

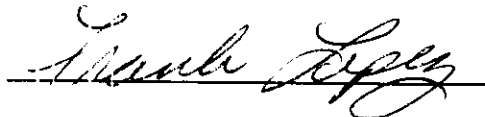
Attention Disclosure Officer;

This is a proper and lawful **Appeal** under the Freedom of Information Act ("FOIA"). By letter, dated April 22, 2004, I requested documents under the FOIA (see attached copies of My original FOIA requests). To date, I have not received any reply to those FOIA requests. At least twenty (20) working days have now transpired since the date of those original requests (April 22-2004).

I hereby appeal your failure to reply. You now have twenty (20) working days to respond to this Appeal. See statute of limitations in the Freedom of Information Act.

Please advise if the requested documents do not exist.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank Lopez", written over a horizontal line.

Frank Lopez
3451 Nightflower Lane "C"
Las Vegas, Nevada 89121-3789

EXHIBIT B